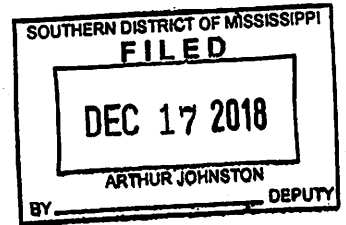


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**



DOUGLAS HANDSHOE

PLAINTIFF

VS.

CIVIL ACTION NO. 1:15cv382HSO-JCG

VAUGHN PERRET, CHARLES LEARY &
DANIEL ABEL, D/B/A TROUT
POINT LODGE LTD OF NOVA SCOTIA
& IN THEIR INDIVIDUAL CAPACITIES
PROGRESS MEDIA GROUP LIMITED,
MARILYN SMULDERS, TORSTAR
CORPORATION, NATIONAL
GEOGRAPHIC SOCIETY, XYZ
FOUNDATION & JOHN DOES 1-50

DEFENDANTS

**COUNTERCLAIMANT CHARLES LEARY'S
PRO SE MOTION UNDER FEDERAL RULE OF EVIDENCE 201 AND
FEDERAL RULE OF CIVIL PROCEDURE 54 REGARDING THIS COURT'S ORDER
ON RECONSIDERATION (ECF 305)**

COMES NOW Plaintiff by counterclaim **Charles Leary**, appearing *pro se*, and files this his Motion respectfully requesting that the Court consider the arguments regarding judicial notice contained in the accompanying brief. Judicial notice was taken in rendering this Court's Order on reconsideration (ECF 305). This motion is made under Federal Rule of Evidence 201, the federal common law on judicial notice, and Federal Rule of Civil Procedure 54(b). Dr. Leary respectfully urges that his claim under 11 U.S.C. Section 362(k) should not be dismissed under Fed.R.Civ.P. 12(b)(6), and that he should be allowed to be heard on this issue under Rule of Evidence 201(e), "Opportunity to Be Heard." In the alternative, Dr. Leary says that he was a pre-petition bankruptcy creditor and that this was recognized by the bankruptcy court in its final decision on dismissal.

RESPECTFULLY SUBMITTED, this the 12th day of December, 2018.

A handwritten signature in black ink, appearing to read 'Cl L', is positioned above the printed name of the defendant.

CHARLES LEARY, DEFENDANT
appearing *pro se*

308 5th Ave E
Vancouver, BC V5T 1H4
Canada

802-440-0213
foodvacation@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that, on Dec 13, 2018, I caused a true and correct copy of the above and foregoing to be filed utilizing the Court's CM/ECF electronic document filing system, which caused notice of such filing to be delivered to all counsel of record and parties requesting notice, and by United States First Class Mail, postage prepaid, to the following non-ECF participants having appeared in this action:

[none]



Charles L. Leary